

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Philip J. Arcuri and Melanie Arcuri, Administrators of the Estate of Andrea Marie Arcuri

(b) County of Residence of First Listed Plaintiff Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Craig A. Sopin, Esquire  
601 Walnut Street, Suite 160-West  
Philadelphia, PA 19106

## DEFENDANTS

County of Montgomery

County of Residence of First Listed Defendant Montgomery

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>422 Appeal 28 USC 158</b>	<b>375 False Claims Act</b>
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>376 Qui Tam (31 USC 3729(a))</b>
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<b>PROPERTY RIGHTS</b>	<b>400 State Reapportionment</b>
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>820 Copyrights</b>	<b>410 Antitrust</b>
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<b>PERSONAL PROPERTY</b>	<b>830 Patent</b>	<b>430 Banks and Banking</b>
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<b>835 Patent - Abbreviated New Drug Application</b>	<b>450 Commerce</b>
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<b>460 Deportation</b>
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<b>880 Defend Trade Secrets Act of 2016</b>	<b>470 Racketeer Influenced and Corrupt Organizations</b>
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<b>SOCIAL SECURITY</b>	<b>480 Consumer Credit (15 USC 1681 or 1692)</b>
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<b>861 HIA (1395ff)</b>	<b>485 Telephone Consumer Protection Act</b>
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<b>862 Black Lung (923)</b>	<b>490 Cable/Sat TV</b>
<input type="checkbox"/> 196 Franchise			<b>863 DIWC/DIWW (405(g))</b>	<b>850 Securities/Commodities/ Exchange</b>
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<b>864 SSID Title XVI</b>	<b>890 Other Statutory Actions</b>
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<b>865 RSI (405(g))</b>	<b>891 Agricultural Acts</b>
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<b>FEDERAL TAX SUITS</b>	<b>893 Environmental Matters</b>
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<b>870 Taxes (U.S. Plaintiff or Defendant)</b>	<b>895 Freedom of Information Act</b>
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>896 Arbitration</b>
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>		<b>899 Administrative Procedure Act/Review or Appeal of Agency Decision</b>
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		<b>950 Constitutionality of State Statutes</b>
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

## V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. Section 1983

## VI. CAUSE OF ACTION

Brief description of cause:  
Death of an inmate at Montgomery County Prison

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

## DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

October 29, 2020

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFF

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 6604 Montague Street, Philadelphia, PA 19135

Address of Defendant: One Montgomery Plaza, 8th Floor, Suite 800, Norristown, PA 19404

Place of Accident, Incident or Transaction: 60 Eagleville Road, Eagleville, PA 19403

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

I certify that, to my knowledge, the within case  is /  is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/29/20

*Must sign here*

Attorney-at-Law / Pro Se Plaintiff

49587

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): \_\_\_\_\_
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Craig A. Sopin, Esq., counsel of record or pro se plaintiff, do hereby certify:

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

Relief other than monetary damages is sought.

DATE: 10/29/20

*Sign here if applicable*

Attorney-at-Law / Pro Se Plaintiff

49587

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Philip J. Arcuri and Melanie Arcuri, Administrators of the Estate of Andrea Marie Arcuri : CIVIL ACTION  
v. :  
County of Montgomery, et al. : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

October 29, 2020	Craig A. Sopin, Esq.	Plaintiffs
Date	Attorney-at-law	Attorney for
215-928-0300	215-627-3992	craig@erols.com
Telephone	FAX Number	E-Mail Address

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

PHILIP J. ARCURI, ADMINISTRATOR OF :	
THE ESTATE OF ANDREA MARIE ARCURI :	
6604 Montague Street :	
Philadelphia, PA 19135 :	
and :	
MELANIE ARCURI, ADMINISTRATOR OF :	
THE ESTATE OF ANDREA MARIE ARCURI :	
1204 Scott Place :	
Warwick, PA 18974 :	
Plaintiffs :	NO.
vs. :	
COUNTY OF MONTGOMERY :	
One Montgomery Plaza :	
8th Floor, Suite 800 :	
Norristown, PA 19404 :	
and :	
MONTGOMERY COUNTY CORRECTIONAL :	
FACILITY :	
60 Eagleville Road :	
Eagleville, PA 19403 :	
and :	
BRIAN LEISTER :	
c/o Montgomery County :	
Correctional Facility :	
60 Eagleville Road :	
Eagleville, PA 19403 :	
and :	
TIARE NIMMO-LEE :	
c/o Montgomery County :	
Correctional Facility :	
60 Eagleville Road :	
Eagleville, PA 19403 :	
and :	
DOMINIC WILLIAMS :	
c/o Montgomery County :	
Correctional Facility :	
60 Eagleville Road :	
Eagleville, PA 19403 :	
and :	
CHANTELL ROUNTREE :	
c/o Montgomery County :	
Correctional Facility :	
60 Eagleville Road :	
Eagleville, PA 19403 :	
and :	
CORPORAL E. MERCER :	
c/o Montgomery County :	
Correctional Facility :	
60 Eagleville Road :	
Eagleville, PA 19403 :	

and  
YOUNGSHIL DUNBAR :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
KALENA ANNIS :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
JEFFREY TRATENBURG :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
DANIEL WHITE :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
ERIC MITCHELL :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
GREGORY PINCIOTTI :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
SEAN GORMAN :  
One Montgomery Plaza :  
8th Floor, Suite 800 :  
Norristown, PA 19404 :  
and  
CATHERINE HIEM :  
One Montgomery Plaza :  
8th Floor, Suite 800 :  
Norristown, PA 19404 :  
and  
PRIMECARE MEDICAL, INC. :  
3940 Locust Avenue :  
Harrisburg, PA 17109 :  
Defendants :  
:

CIVIL ACTION COMPLAINT

AND NOW comes Plaintiffs, Philip J. Arcuri and Melanie Arcuri, as Administrators of the Estate of Andrea Marie Arcuri, by and through their attorney, Craig A. Sopin, Esquire, allege as follows:

1. This action arises from the death of Andrea Marie Arcuri (hereinafter "Decedent"), a 38 year old woman, who died as a result of the conduct and omissions of the defendants in failing to monitor and adequately treat her during a period of time in which she was going through opiate withdrawal at the Montgomery County Correctional Facility following an inappropriate placement there by the County Probation Office. Ms. Arcuri's death was a foreseeable and direct result of the conduct of the defendants who were and/or should have been aware of the insufficiency of their policies, procedures, actions and omissions.

PARTIES

2. Plaintiff, Philip J. Arcuri, is the father of Andrea M. Arcuri, deceased, and an adult individual residing at 6604 Montague Street, Philadelphia, PA 19135.

3. Plaintiff, Melanie Arcuri, is the mother of Andrea M. Arcuri, deceased, and an adult individual residing at 1204 Scott Place, Warwick, PA 18974.

4. On March 8, 2019, Plaintiffs were appointed the administrators of the Estate of Andrea M. Arcuri by the Register of Wills of Philadelphia County. A copy of said appointment is attached hereto as Exhibit A.

5. Defendant, County of Montgomery (hereinafter "Montgomery County") is a county, political subdivision and governmental entity in the Commonwealth of Pennsylvania with a principal place of business of

One Montgomery Plaza, 8th Floor, Suite 800, Norristown, PA 19404.

6. Defendant, Montgomery County Correctional Facility (hereinafter "MCCF") is a county subdivision of Montgomery County and a governmental entity in the Commonwealth of Pennsylvania with a principal place of business of 60 Eagleville Road, Eagleville, PA 19403, and at all times relevant hereto, operated as a prison and maintained custody and control over the decedent.

7. Defendant, Brian Leister (hereinafter "Leister"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. Leister is a corrections officer employed by the Montgomery County Correctional Facility and/or Montgomery County and at all times relevant hereto was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

8. Defendant, Tiare Nimmo-Lee (hereinafter "Nimmo-Lee"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. Nimmo-Lee is a corrections officer employed by the Montgomery County Correctional Facility and/or Montgomery County and at all times relevant hereto was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

9. Defendant, Dominic Williams (hereinafter "Williams"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. Williams is a corrections officer employed by the Montgomery County Correctional Facility and/or Montgomery County and at all times relevant hereto was acting under color of state law and under the authority provided to him

as a corrections officer at MCCF.

10. Defendant, Chantell Roundtree (hereinafter "Roundtree"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. Roundtree is a corrections officer employed by the Montgomery County Correctional Facility and/or Montgomery County and at all times relevant hereto was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

11. Defendant, Corporal E. Mercer (hereinafter "Mercer"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. Mercer is a corrections officer employed by the Montgomery County Correctional Facility and/or Montgomery County and at all times relevant hereto was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

12. Defendant, Youngshil Dunbar (hereinafter "Dunbar"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. Mercer is a corrections officer employed by the Montgomery County Correctional Facility and/or Montgomery County and at all times relevant hereto was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

13. Defendant, Kalena Annis (hereinafter "Annis"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. Annis is a corrections officer employed by the Montgomery County Correctional Facility and/or Montgomery County and at all times relevant hereto was

acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

14. Defendant, Jeffrey Tratenburg (hereinafter "Tratenburg"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. Tratenburg is a corrections officer employed by the Montgomery County Correctional Facility and/or Montgomery County and at all times relevant hereto was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

15. Defendant, Daniel White (hereinafter "White"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. White is a corrections officer employed by the Montgomery County Correctional Facility and/or Montgomery County and at all times relevant hereto was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

16. Defendant, Eric Mitchell (hereinafter "Mitchell"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. Mitchell is a corrections officer employed by the Montgomery County Correctional Facility and/or Montgomery County and at all times relevant hereto was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

17. Defendant, Gregory Pinciotti (hereinafter "Pinciotti"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of 60 Eagleville Road, Eagleville, PA 19403. Pinciotti is a corrections officer employed by the Montgomery County

Correctional Facility and/or Montgomery County and at all times relevant hereto was acting under color of state law and under the authority provided to him as a corrections officer at MCCF.

18. Defendant, Sean Gorman (hereinafter "Gorman"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of One Montgomery Plaza, 8th Floor, Suite 800, Norristown, PA 19404. Gorman is a Montgomery County Probation Officer and at all times relevant hereto was acting under color of state law and under the authority provided to her by the County of Montgomery.

19. Defendant, Catherine Hiem (hereinafter "Hiem"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address of One Montgomery Plaza, 8th Floor, Suite 800, Norristown, PA 19404. Gorman is a Montgomery County Probation Officer and at all times relevant hereto was acting under color of state law and under the authority provided to her by the County of Montgomery.

20. Defendant, PrimeCare Medical, Inc. (hereinafter "PrimeCare"), is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a business address of 3940 Locust Avenue, Harrisburg, PA and at all times relevant hereto was responsible for medical care at MCCF by virtue of an agreement, and which acted through their agents or ostensible agents in providing medical care to inmates at MCCF. A Certificate of Merit regarding medical treatment afforded to the decedent at the prison is attached hereto as Exhibit B.

21. At all times relevant hereto, Montgomery County owned, operated, maintained, was responsible for, and/or otherwise controlled the Montgomery County Correctional Facility.

JURISDICTION AND VENUE

22. The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. Section 1331, as Plaintiffs' claims arise under the United States Constitution and 42 U.S.C. Section 1983. The Court has supplemental matter jurisdiction over state law claims pursuant to 28 U.S. Code Section 1337.

23. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. Section 1331(b) because one or more of the Defendants reside in this district and all Defendants are residents of the Commonwealth of Pennsylvania and a substantial part of the events or omissions giving rise to the claim which occurred in this judicial district.

FACTS GIVING RISE TO ACTION

24. Prior to decedent's incarceration on December 26, 2018, policy makers in Montgomery County and at PrimeCare were aware of the dangers to people suffering from drug use entering the prison and, particularly, the dangers and risks associated with failing to properly treat and monitor inmates going through withdrawal.

25. On or about December 26, 2018, in the early afternoon, decedent reported to the Montgomery County Adult Probation Office in Norristown for a required routine visit.

26. Apparently, decedent presented with indicia of drug use, namely that she was under the influence of heroin (morphine), fentanyl and acetylfentanyl and her probation officers, including, but not necessarily limited to defendants Sean Gorman and Catherine Hiem, rather than sending her to a hospital or otherwise having her medically evaluated, ordered her transported to MCCF.

27. Gorman and Hiem subsequently transported the decedent to MCCF in Eagleville, PA where she arrived at approximately 2:15 P.M.

28. Corrections Officer (hereinafter "CO") Brian Leister observed decedent slumped to the floor in the prison admission area soon after her arrival after which she was assisted to a bench seat and her restraints removed.

29. At approximately 3:01 P.M., decedent was escorted to the medical screening area and was evaluated by Medical Assistant ("MA"), Marycka Downing, who indicated, *inter alia*, that decedent had used heroin that day, had track marks on both arms and was not oriented to time, person, or place.

30. The decedent was referred to the Medical Housing and Mental Health Unit.

31. At 3:35 P.M., MA Downing charted that decedent was not oriented, could not keep her eyes open or hold her head up. Moreover, she struggled to answer the simple questions of intake. It was recommended that she would be sent to the medical unit.

32. At 3:27 P.M., decedent was escorted to Cell 9 and returned to the medical booking area at 3:44 P.M. She was not transferred to the medical unit.

33. At some point prior to 3:35 P.M., LPN Nicole McFadden, provided water and Gatorade to the decedent who was noted to be dehydrated. LPN McFadden is the only professional medical person to have seen the decedent.

34. At 4:08 P.M., CO Leister walked past Cell 9.

35. At 4:15 P.M., CO Tiare Nimmo-Lee walked past Cell 9.

36. At 4:25 P.M., CO Dominic Williams walked past Cell 9.

37. At 4:27 P.M., COs Chantel Roundtree and Williams walked past Cell 9.

38. At 5:14 P.M., CO Nimmo-Lee walked past Cell 9. (CO Williams may have also walked past Cell 9 at this time).

39. There is no indication that any of the aforesaid corrections officers evaluated decedent or even ascertained that she was not in distress.

40. At approximately 5:15 P.M., three hours from the time of her prison admission, Corporal E. Mercer observed CO Nimmo-Lee attempt to escort decedent but she became unstable and slumped to the floor whereupon she was escorted back to Cell 9.

41. At approximately 5:21 P.M., decedent was taken to the admissions area from Cell 9 where she had to stabilize herself and was taken back to Cell 9.

42. CO Dunbar stated that he had walked decedent to Cell 9 and recalls no difficulty in her gait, differing from the recollections of Corporal Mercer and CO Nimmo-Lee.

43. At 6:00 P.M. CO Annis noted that decedent did not have a body scan because she was unable to stand on the scanner. CO Annis noted that she provided fluids indirectly to decedent.

44. The recommendation to place decedent in the medical housing unit was not fulfilled. Moreover, the highest level of professional medical assessment decedent received was from an LPN (Licensed Practical Nurse).

45. At 3:09 P.M., MA Downing recorded decedent's blood pressure at 140/96 with a pulse of 57.

46. At 6:41 P.M., LPN Bloch recorded the same exact set of vital

signs as those recorded by MA Downing almost four hours earlier.

47. Neither set of vital signs reflect that decedent was evaluated for orthostatic hypotension. Moreover, because the two sets of vital signs were exactly the same, they cannot be considered accurate.

48. At 6:24 P.M., CO Annis provided food to Cell 9. While the details of the distribution are not currently known, decedent had no food remnants in her gastric contents at the time of autopsy indicating that she did not consume any solid food.

49. CO Annis reports that she walked by Cell 9 at 7:28 P.M., 7:41 P.M., 7:43 P.M., 7:52 P.M. and 7:58 P.M. when she claims to "checks" the "inmates". Though the presence of more than one inmate or the details of any such checking are not noted. CO Annis was said to "check" Cell 9 at 9:14 P.M., 9:35 P.M. and 10:21 P.M.

50. At 10:23 P.M., a head cell count in Cell 9 was purportedly conducted by COs Jeffrey Tratenburg and Daniel White who claimed to have observed decedent sitting upright on the bench in the cell and alert.

51. At 10:56 P.M., a code was called after CO Greg Pinciotti detected shallow breathing and discolored skin and MA Irma Arias found no pulse.

52. At 11:41 P.M., decedent was pronounced dead at Einstein Montgomery Hospital.

53. On December 27, 2018, an autopsy was performed and the cause of death was determined to be adverse effects of combined drugs (heroin, fentanyl, acetylfentanyl, bupropion, topiramate, buprenorphine fentanyl and norfentanyl) and cocaine use. Numerous scars (needle marks) were present in both forearms and hands.

Toxicologic significant drugs were found in the peripheral blood including an amount of six monoacetyl morphine suggesting that decedent utilized heroin while she was at MCCF. Lung views showed multi-focal acute pneumonia.

54. Dehydration secondary to opiate withdrawal was a substantial factor in decedent's death.

55. The most likely immediate cause of death involved dehydration as well as the toxic effects of multiple drugs.

56. As a direct and proximate result of defendants' unreasonable and unconstitutional conduct, decedent was caused to suffer the following:

- a. severe opiate withdrawal symptoms;
- b. dehydration;
- c. pain and suffering;
- d. emotional distress;
- e. mental anguish;
- f. cardiac arrest;
- g. loss of life's pleasures; and
- h. death.

57. Decedent left the following persons who are beneficiaries under the Wrongful Death Act:

a. Philip J. Arcuri and Melanie Arcuri. See 42 Pa.C.S. Section 8301(b).

58. In view of the above, decedent's beneficiaries as aforesaid are entitled to damages under the Wrongful Death Act including, but not limited to, damages for medical, funeral, burial expenses and expenses of administration as well as any monetary support that decedent would

have provided to the beneficiaries during her lifetime.

59. Plaintiffs are entitled to bring this action on behalf of the estate of decedent under the Survival Act, 42 Pa.C.S. Section 8302.

60. Decedent's estate has been deprived of the economic value of decedent's life expectancy, and plaintiffs claim damages suffered by the estate as a result of decedent's death including, but not necessarily limited to, income, potential income, earnings, retirement income, social security income as well as damages for the conscious pain and suffering decedent endured prior to her death.

COUNT I - CIVIL RIGHTS-42 U.S.C. SECTION 1983

PLAINTIFFS VS. ALL DEFENDANTS

61. The averments of paragraphs 1 through 60 are incorporated herein and made a part hereof as if fully set forth at length.

62. Defendants in all their actions and inactions described herein with regard to decedent were all acting under the color of state law.

63. Defendants were deliberately indifferent to decedent's serious medical needs and thereby violated decedent's right to be free from cruel and unusual punishment under the Eighth Amendment to the United State Constitution.

64. Defendants herein deprived decedent of constitutional guaranteed liberty interest in violation of her right to due process of law under the Fourteenth Amendment to the United States Constitution.

65. Defendants were aware that plaintiffs' decedent had a clearly established constitutional right to bodily integrity and right to medical care for serious medical needs at the time of defendant's death.

66. Defendants' conduct, as set forth above, demonstrates that the harm caused to plaintiffs' decedent was a foreseeable and fairly direct result of defendants' conduct.

67. Defendants, when they learned of decedent's death, attempted to cover up their acts and omissions so as to avoid any culpability in decedent's death.

68. Defendant's conduct, as set forth above, demonstrates that defendants acted with deliberate indifference and conscious disregard of the great risk of serious harm to plaintiffs' decedent.

69. Defendants' conduct, as set forth herein, violated decedent's constitutional rights as guaranteed by the United States and Pennsylvania Constitutions, and remediable under 42 U.S.C. Section 1983.

70. As a direct and proximate result of defendants' unreasonable, unjustifiable and unconstitutional conduct, plaintiffs' decedent was caused to suffer the injuries described herein, including her death.

WHEREFORE, Plaintiffs, Philip J. Arcuri and Melanie G. Arcuri, Administrators of the Estate of Andrea Marie Arcuri, Deceased, demands judgment in their favor and against Defendants, County of Montgomery, Montgomery County Correctional Facility, Brian Leister, Tiare Nimmo-Lee, Dominic Williams, Chantell Roundtree, Corporal E. Mercer, Youngshil Dunbar, Kalena Annis, Jeffrey Tratenburg, Daniel White, Eric Mitchell, Gregory Pinciotti, Sean Gorman, Catherine Hiem and PrimeCare Medical, Inc., and damages provided under the Pennsylvania Survival and Wrongful death acts, jointly and severally, together with attorneys fees and costs, and pre- and post-judgment interest and any and all relief available pursuant to 42 U.S.C. Section 1983.

COUNT II - CIVIL RIGHTS

PLAINTIFFS VS. DEFENDANTS, COUNTY OF MONTGOMERY AND  
MONTGOMERY COUNTY CORRECTIONAL FACILITY

71. The averments of paragraphs 1 through 70 are incorporated herein and made a part hereof as if fully set forth at length.

72. Defendants' conduct, as set forth above, evinces a violation of decedent's constitutional rights, including those guaranteed by the Eighth and Fourteenth Amendments to the United States Constitution.

73. The conduct as set forth above demonstrates that Montgomery County and Montgomery County Correctional Facility failed to properly train, and/or failed to have a proper policy regarding training correctional officers and medical providers on the appropriate treatment and monitoring of individuals experiencing opiate withdrawal, thereby depriving decedent of her constitutional rights.

74. The conduct as set forth above demonstrates that Montgomery County and Montgomery County Correctional Facility failed to properly supervise and/or monitor and/or failed to have a proper policy regarding supervising and/or monitoring, correctional officers and medical providers on the appropriate treatment and monitoring of individuals experiencing opiate withdrawal, thereby depriving decedent of her constitutional rights.

75. The conduct as set forth above demonstrates that Montgomery County and Montgomery County Correctional Facility maintained policies procedures and practices that it knew provided inadequate treatment and monitoring of individuals experiencing opiate withdrawal that had previously resulted in the deprivation of constitutional rights and the death of inmates statewide undergoing opiate withdrawal. Despite this, defendant failed to amend, revise, or replace these policies,

procedures, and practices with appropriate policies, procedures, and practices thereby depriving decedent of her constitutional rights.

76. The conducts as set forth above indicates that Montgomery County and Montgomery County Correctional Facility failed to enforce the written policies regarding correctional officers and medical providers treatment and monitoring of individuals experiencing opiate withdrawal, specifically requirements that they be observed every thirty minutes by corrections officers thereby depriving decedent of her constitutional rights. Moreover, defendants failed to even house the decedent in the medical unit in violation of her rights.

77. The conducts as set forth above indicates that Montgomery County and Montgomery County Correctional Facility failed to properly supervise and/or monitor and/or failed to have a proper policy regarding supervising and/or monitoring, correctional officers and medical providers on the appropriate treatment and monitoring of individuals experiencing opiate withdrawal, thereby depriving decedent of her constitutional rights.

78. The conducts as set forth above indicates that Montgomery County and Montgomery County Correctional Facility maintained policies, procedures and practices that continued to delegate the responsibility for monitoring individuals with a serious medical need experiencing opiate withdrawal to inmate "babysitters" despite knowing that this practice resulted in the deprivation of constitutional rights and/or the death of inmates undergoing opiate withdrawal. Despite this, Defendants failed to amend, revise, or replace policies, procedures, and practices regarding delegating responsibility for monitoring individuals experiencing opiate withdrawal to inmate "babysitters" with

appropriate policies, procedures, and practices thereby depriving decedent of her constitutional rights.

79. The conduct as set forth above indicates that Montgomery County and Montgomery County Correctional Facility failed to properly train inmate "babysitters" in monitoring individuals experiencing opiate withdrawal, thereby depriving decedent of her constitutional rights.

80. The above-referenced actions are outrageous, egregious, and conscience-shocking, and rise to a level of intention to cause harm.

81. As a direct and proximate result of defendants' unreasonable, unjustifiable and unconstitutional conduct, decedent was cause to suffer the injuries including death.

WHEREFORE, Plaintiffs, Philip J. Arcuri and Melanie G. Arcuri, Administrators of the Estate of Andrea Marie Arcuri, Deceased, demand judgment in their favor and against Defendants, County of Montgomery and Montgomery County Correctional Facility and damages provided under the Pennsylvania Survival and Wrongful Death Acts, jointly and severally, together with attorneys fees and costs, and pre- and post-judgment interest and any and all relief available pursuant to 42 U.S.C. Section 1983.

COUNT III - STATE LAW NEGLIGENCE

PLAINTIFFS VS. PRIMECARE MEDICAL, INC.

82. The averments of paragraphs 1 through 81 are incorporated herein and made a part hereof as if fully set forth at length.

83. PrimeCare and its employee medical providers including LPN Nicole McFadden, LPN Bloch, medical assistant Marycka Downing and medical assistant Irma Arias had a duty to comply with generally

accepted medical standards of care in their medical treatment of decedent.

84. PrimeCare had a duty to establish policies, practices, and procedures to ensure that inmates admitted to the prison and undergoing opiate withdrawal, such as decedent, received proper treatment and monitoring. It failed to do so as follows:

a. Failure to ensure that decedent was placed in a medical unit per the advice of MA Downing.

b. Failure to adequately assess vital signs including orthostatic blood pressure after decedent was determined to have been dehydrated by LPN McFadden.

c. In failing to note that dehydration is a known risk factor for death in opiate withdrawal.

d. In failure to push fluids as would have been done if the decedent were in a medical unit.

e. In failing to follow the policies and procedures and protocols of the prison.

f. In failing to meet the standards of the National Commission on Correctional Health Care of which PrimeCare is a participant.

g. In failing to adequately follow any detox orders.

h. In failing to monitor decedent and provide her with additional water and electrolytes.

i. In failing to record decedent's temperature after 3:09 P.M.

j. In failing to adequately train its personnel on prison policies and procedures and in the proper medical procedures in

treating and monitoring someone in decedent's position.

85. As a direct and proximate result of defendants' unreasonable, unjustifiable and unconstitutional conduct, plaintiffs' decedent was caused to suffer the following:

- a. severe opiate withdrawal symptoms;
- b. dehydration;
- c. pain and suffering;
- d. emotional distress;
- e. mental anguish;
- f. cardiac arrest;
- g. loss of life's pleasures; and
- h. death.

WHEREFORE, Plaintiffs, Philip J. Arcuri and Melanie G. Arcuri, Administrators of the Estate of Andrea Marie Arcuri, Deceased, demand judgment in their favor and against Defendant, PrimeCare Medical, Inc. for damages in an amount consistent with their negligence and plaintiffs' losses.

**COUNT IV - STATE LAW NEGLIGENCE**

**PLAINTIFFS VS. COUNTY OF MONTGOMERY AND  
MONTGOMERY COUNTY CORRECTIONAL FACILITY**

86. The averments of paragraphs 1 through 85 are incorporated herein and made a part hereof as if fully set forth at length.

87. County of Montgomery and Montgomery County Correctional Facility had a duty to establish policies, practices, and procedures to ensure that inmates admitted to the prison and undergoing opiate withdrawal, such as decedent, received proper treatment and monitoring. It failed to do so as follows:

- a. Failure to ensure that decedent was placed in a medical

unit per the advice of MA Downing.

b. Failure to adequately assess vital signs including orthostatic blood pressure after decedent was determined to have been dehydrated by LPN McFadden.

c. In failing to note that dehydration is a known risk factor for death in opiate withdrawal.

d. In failure to push fluids as would have been done if the decedent were in a medical unit.

e. In failing to follow the policies and procedures and protocols of the prison.

f. In failing to meet the standards of the National Commission on Correctional Health Care.

g. In failing to adequately follow any detox orders.

h. In failing to monitor decedent and provide her with additional water and electrolytes.

i. In failing to record decedent's temperature after 3:09 P.M.

j. In failing to adequately train its personnel on prison policies and procedures and in the proper medical procedures in treating and monitoring someone in decedent's position.

k. In directing decedent to the prison rather than to a hospital in the first place.

l. In failing to redirect decedent to a hospital immediately after presentation to the prison.

m. In failing to have policies and procedures in place which would require more consistent and detailed monitoring of inmates such as those in decedent's position.

n. In failing to ensure that decedent was provided with even the most basic of medical treatment.

o. In failing to ensure that decedent did not possess drugs or have access to drugs such as heroin during and after her admission to the prison.

p. In failing to ensure that decedent did not possess or come into possession of drug paraphernalia during and after her admission into the prison.

q. In failing to ensure that decedent did not use heroin or any other prohibited drugs after the time of her admission into the prison.

88. As a direct and proximate result of defendants' unreasonable, unjustifiable and unconstitutional conduct, plaintiffs' decedent was caused to suffer the following:

- a. severe opiate withdrawal symptoms;
- b. dehydration;
- c. pain and suffering;
- d. emotional distress;
- e. mental anguish;
- f. cardiac arrest;
- g. loss of life's pleasures; and
- h. death.

WHEREFORE, Plaintiffs, Philip J. Arcuri and Melanie G. Arcuri, Administrators of the Estate of Andrea Marie Arcuri, Deceased, demand judgment in their favor and against Defendants, County of Montgomery and Montgomery County Correctional Facility for damages in an amount consistent with their negligence and plaintiffs' losses.

COUNT V - STATE LAW FRAUD AND DECEIT

PLAINTIFFS VS. ALL DEFENDANTS

89. The averments of paragraphs 1 through 88 are incorporated herein and made a part hereof as if fully set forth at length.

90. Defendants in this matter engaged in a pattern of fraudulent and deceitful behavior for the purpose of covering up their deliberate and negligent acts which resulted in decedent's death as follows:

a. Given the known half-life of six monoacetyl morphine, it is unlikely that six monoacetyl morphine would have been present at the time of death, as blood analysis shows, if decedent did not use heroin when she was in the custody of the prison.

b. It is unlikely that decedent could have presented no signs of medical distress at 10:23 P.M. as reported by correctional officers only to be found dead at 10:56 P.M. especially if the immediate cause of her death were dehydration and pneumonia.

c. It is unlikely that decedent's vital signs were exactly the same at 3:09 P.M. as they were at 6:41 P.M., suggesting that the second set of vital signs were not actually taken but were noted some time later based off the prior set of vital signs.

d. Defendants deceitfully lead investigators to believe that decedent was well by falsely suggesting that decedent was checked on when correctional officers merely waked by her cell.

91. The above actions and omissions of defendants amount to a fraudulent and deceitful cover-up by defendants in order to make it appear as if they hold no or a reduced culpability in decedent's death.

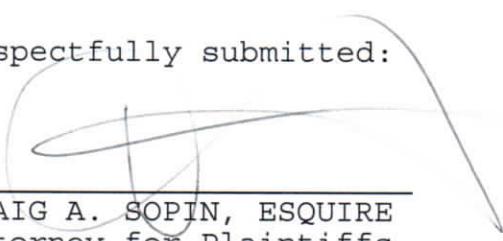
WHEREFORE, Plaintiffs, Philip J. Arcuri and Melanie G. Arcuri, Administrators of the Estate of Andrea Marie Arcuri, Deceased, demands

judgment in their favor and against Defendants, County of Montgomery, Montgomery County Correctional Facility, Brian Leister, Tiare Nimmo-Lee, Dominic Williams, Chantell Roundtree, Corporal E. Mercer, Youngshil Dunbar, Kalena Annis, Jeffrey Tratenburg, Daniel White, Eric Mitchell, Gregory Pinciotti, Sean Gorman, Catherine Hiem and PrimeCare Medical, Inc., and damages provided under the Pennsylvania Survival and Wrongful Death Acts, jointly and severally, together with attorneys fees and costs, and pre- and post-judgment interest and any and all relief available pursuant to 42 U.S.C. Section 1983.

**DEMAND FOR JURY TRIAL**

Plaintiffs' demand a trial by jury as to all counts and all issues raised by this Complaint.

Respectfully submitted:

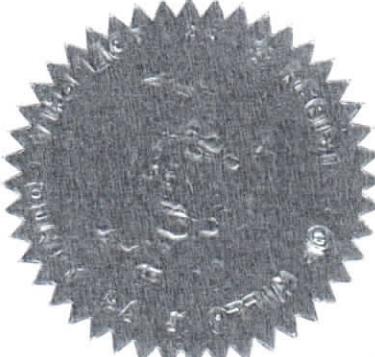
  
\_\_\_\_\_  
CRAIG A. SOPIN, ESQUIRE  
Attorney for Plaintiffs  
Identification No. 49587  
601 Walnut Street  
The Curtis Center, Suite 160-W  
Philadelphia, PA 19106  
(215) 928-0300

Date: October 29, 2020

LETTERS OF ADMINISTRATION

REGISTER'S OFFICE  
PHILADELPHIA COUNTY, PA

N<sup>o</sup> A0986-2019



ESTATE OF ..... **Andrea Marie Arcuri**  
AKA: ANDREA ARCURI

Social Security No. ..... **192-60-3686**

WHEREAS, ..... **Andrea Marie Arcuri**  
late of ..... **13018 Townsend Road, Philadelphia, PA 19154**

died on the ..... **26th** day of ..... **December** , ..... **2018** ;  
and

WHEREAS, the grant of letters of administration is required for the administration of said estate.

THEREFORE, I, RONALD R. DONATUCCI, Register for the Probate of Wills and Grant of Letters Testamentary and of Administration, in and for the County of Philadelphia in the Commonwealth of Pennsylvania, hereby certify that I have granted Letters of Administration .....

to ..... **Melanie Arcuri and Philip Arcuri**

who ha **ve** duly qualified as ..... **Administrators** of the estate  
of the above named decedent and ha **ve** agreed to administer the estate according to law, all of which fully  
appear of record in the Office of the Register of Wills of Philadelphia County, Pennsylvania.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at  
Philadelphia, the ..... **8th** day of ..... **March** ..... **2019**

  
Deputy Register

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

PHILIP J. ARCURI, ADMINISTRATOR OF :  
THE ESTATE OF ANDREA MARIE ARCURI :  
6604 Montague Street :  
Philadelphia, PA 19135 :  
and :  
MELANIE ARCURI, ADMINISTRATOR OF :  
THE ESTATE OF ANDREA MARIE ARCURI :  
1204 Scott Place :  
Warwick, PA 18974 :  
Plaintiffs : NO.  
vs. :  
COUNTY OF MONTGOMERY :  
One Montgomery Plaza :  
8th Floor, Suite 800 :  
Norristown, PA 19404 :  
and :  
MONTGOMERY COUNTY CORRECTIONAL :  
FACILITY :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and :  
BRIAN LEISTER :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and :  
TIARE NIMMO-LEE :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and :  
DOMINIC WILLIAMS :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and :  
CHANTELL ROUNTREE :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and :  
CORPORAL E. MERCER :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and :

4(B) "1

and  
YOUNGSHIL DUNBAR :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
KALENA ANNIS :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
JEFFREY TRATENBURG :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
DANIEL WHITE :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
ERIC MITCHELL :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
GREGORY PINCIOTTI :  
c/o Montgomery County :  
Correctional Facility :  
60 Eagleville Road :  
Eagleville, PA 19403 :  
and  
SEAN GORMAN :  
One Montgomery Plaza :  
8th Floor, Suite 800 :  
Norristown, PA 19404 :  
and  
CATHERINE HIEM :  
One Montgomery Plaza :  
8th Floor, Suite 800 :  
Norristown, PA 19404 :  
and  
PRIMECARE MEDICAL, INC. :  
3940 Locust Avenue :  
Harrisburg, PA 17109 :  
Defendants :  
:

CERTIFICATE OF MERIT

Pursuant to Pa.R.Civ.Pro. 1042.3, this will certify that an appropriate licensed professional has supplied a written statement that there exists a reasonable probability that the care, skill or knowledge exercised or exhibited in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

Respectfully submitted:

  
CRAIG A. SOPIN, ESQUIRE  
Attorney for Plaintiffs  
Identification No. 49587  
601 Walnut Street  
The Curtis Center, Suite 160-W  
Philadelphia, PA 19106  
(215) 928-0300